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By: **Senators Kelley, Britt, Colburn, Conway, Dyson, Exum, Forehand,  
Gladden, Grosfeld, Hooper, Hughes, Jones, Kramer, and McFadden**

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education - Children in State-Supervised Care - Transfer of Educational**  
3 **Records**

4 FOR the purpose of requiring certain noncollegiate educational institutions to comply  
5 with this Act; providing for a certain intent; requiring a certain placement  
6 agency or the placement agency's designee to provide certain notice to a certain  
7 school; authorizing certain ~~children and certain adults~~ individuals to provide  
8 certain notice to a certain school; requiring certain schools to fulfill certain  
9 requirements; requiring a certain school to inform a certain school of certain  
10 enrollment, request certain educational records, provide certain copies of certain  
11 requests, and inform certain individuals of certain rights; requiring a certain  
12 school to orally inform a certain school of a certain grade level and a certain  
13 status; requiring a certain school to send by mail or transmit electronically  
14 certain information to a certain school; authorizing a certain placement agency  
15 or a certain employee to hand carry certain documents; requiring certain county  
16 boards of education to establish certain dispute resolution processes; ~~requiring~~  
17 ~~certain dispute resolution processes to meet certain criteria~~; providing for the  
18 continued enrollment of certain children during certain dispute resolution;  
19 requiring that certain ~~remedial~~ educational services be provided to certain  
20 children under certain circumstances; ~~providing for the reimbursement of~~  
21 ~~certain expenses under certain circumstances~~; requiring the State Department  
22 of Education to ensure that certain county boards of education take certain  
23 measures; requiring certain county boards to inform certain persons of certain  
24 requirements imposed and certain rights conferred; requiring the Department  
25 to adopt certain regulations by a certain date; defining certain terms; providing  
26 for the rights of certain parents; and generally relating to the transfer of  
27 educational records of children in State-supervised care.

1 BY repealing and reenacting, without amendments,  
2 Article - Education  
3 Section 2-206(a)  
4 Annotated Code of Maryland  
5 (2004 Replacement Volume and 2004 Supplement)

6 BY adding to  
7 Article - Education  
8 Section 2-206(1); and 8-501 through ~~8-507~~ 8-506, inclusive, to be under the new  
9 subtitle "Subtitle 5. Children in State-Supervised Care"  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2004 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Education**

15 2-206.

16 (a) In this section, "noncollegiate educational institution" means a school or  
17 other institution that offers an educational program but is not an institution of  
18 postsecondary education, as defined in § 10-101 of this article.

19 (L) EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION AFFILIATED WITH A  
20 RESIDENTIAL CHILD CARE PROGRAM OR TREATMENT FACILITY SHALL COMPLY WITH  
21 THE PROVISIONS OF TITLE 8, SUBTITLE 5 OF THIS ARTICLE.

22 **SUBTITLE 5. CHILDREN IN STATE-SUPERVISED CARE.**

23 8-501.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (B) (1) "CHILD IN STATE-SUPERVISED CARE" MEANS A CHILD WHO IS IN  
27 THE CUSTODY OF, COMMITTED TO, OR OTHERWISE PLACED BY A PLACEMENT  
28 AGENCY.

29 (2) "CHILD IN STATE-SUPERVISED CARE" DOES NOT MEAN A CHILD AT  
30 THE CHARLES H. HICKEY, JR. SCHOOL IN BALTIMORE COUNTY WHO RECEIVES AN  
31 EDUCATIONAL PROGRAM UNDER § 22-308 OF THIS ARTICLE.

32 (C) "NONCOLLEGIATE EDUCATIONAL INSTITUTION" HAS THE MEANING  
33 STATED IN § 2-206 OF THIS ARTICLE.

1 (D) "NOTICE" MEANS THAT WRITTEN, VERBAL, OR OTHER COMMUNICATION  
2 REGARDING THE IDENTIFICATION OF A CHILD IN STATE-SUPERVISED CARE HAS  
3 BEEN EFFECTUATED.

4 (E) "PLACEMENT AGENCY" MEANS:

- 5 (1) A LOCAL DEPARTMENT OF SOCIAL SERVICES;
- 6 (2) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;
- 7 (3) THE DEPARTMENT OF JUVENILE SERVICES; OR
- 8 (4) A PRIVATE AGENCY THAT:

9 (I) ENGAGES IN THE PLACEMENT OF CHILDREN IN HOMES OR  
10 WITH INDIVIDUALS; AND

11 (II) IS LICENSED BY THE SOCIAL SERVICES ADMINISTRATION  
12 UNDER § 5-507 OF THE FAMILY LAW ARTICLE.

13 (F) "RECEIVING SCHOOL" MEANS A PUBLIC SCHOOL OR A NONCOLLEGIATE  
14 EDUCATIONAL INSTITUTION AFFILIATED WITH A RESIDENTIAL CHILD CARE  
15 PROGRAM OR TREATMENT FACILITY THAT HAS AN EDUCATIONAL PROGRAM  
16 APPROVED BY THE DEPARTMENT IN WHICH A CHILD IN STATE-SUPERVISED CARE IS  
17 NEWLY ENROLLED OR SEEKS TO ENROLL.

18 (G) "SENDING SCHOOL" MEANS A PUBLIC SCHOOL OR A NONCOLLEGIATE  
19 EDUCATIONAL INSTITUTION AFFILIATED WITH A RESIDENTIAL CHILD CARE  
20 PROGRAM OR TREATMENT FACILITY THAT HAS AN EDUCATIONAL PROGRAM  
21 APPROVED BY THE DEPARTMENT IN WHICH A CHILD IN STATE-SUPERVISED CARE  
22 WAS ENROLLED PRIOR TO ENROLLING, OR SEEKING TO ENROLL, IN A RECEIVING  
23 SCHOOL.

24 8-502.

25 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PROMOTE THE  
26 EDUCATION AND WELL-BEING OF CHILDREN IN STATE-SUPERVISED CARE BY  
27 FACILITATING:

28 (1) THE PROMPT ENROLLMENT OF CHILDREN IN STATE-SUPERVISED  
29 CARE IN AN APPROPRIATE PUBLIC SCHOOL OR NONCOLLEGIATE EDUCATIONAL  
30 INSTITUTION AFFILIATED WITH A RESIDENTIAL CHILD CARE PROGRAM OR  
31 TREATMENT FACILITY; AND

32 (2) THE PROMPT TRANSFER OF THE EDUCATIONAL RECORDS OF  
33 CHILDREN IN STATE-SUPERVISED CARE.

34 8-503.

35 (A) PRIOR TO OR CONCURRENT WITH THE PLACEMENT OR MODIFICATION OF  
36 THE PLACEMENT OF A CHILD IN STATE-SUPERVISED CARE, A PLACEMENT AGENCY

1 RESPONSIBLE FOR THE CHILD IN STATE-SUPERVISED CARE OR THE PLACEMENT  
2 AGENCY'S DESIGNEE SHALL PROVIDE NOTICE TO A RECEIVING SCHOOL REGARDING  
3 THE ENROLLMENT OR IMMINENT ENROLLMENT OF THE CHILD IN  
4 STATE-SUPERVISED CARE.

5 (B) ~~THE CHILD IN STATE SUPERVISED CARE, THE RESPONSIBLE ADULT~~  
6 PARENT, EDUCATION GUARDIAN, PARENT SURROGATE, FOSTER PARENT,  
7 COURT-APPOINTED ATTORNEY, OR COURT-APPOINTED SPECIAL ADVOCATE ACTING  
8 ON BEHALF OF THE CHILD IN STATE-SUPERVISED CARE, ~~OR ANY OTHER~~  
9 ~~INTERESTED PARTY~~ MAY PROVIDE NOTICE TO A RECEIVING SCHOOL REGARDING  
10 THE ENROLLMENT OR IMMINENT ENROLLMENT OF THE CHILD IN  
11 STATE-SUPERVISED CARE.

12 (C) AFTER RECEIVING NOTICE UNDER SUBSECTION (A) OR (B) OF THIS  
13 SECTION, A RECEIVING SCHOOL SHALL FULFILL THE REQUIREMENTS OF § 8-504(A)  
14 OF THIS SUBTITLE.

15 8-504.

16 (A) WITHIN 2 SCHOOL DAYS AFTER RECEIVING NOTICE UNDER § 8-503 OF THIS  
17 SUBTITLE, A RECEIVING SCHOOL SHALL:

18 (1) INFORM THE SENDING SCHOOL OF THE ENROLLMENT OR IMMINENT  
19 ENROLLMENT OF THE CHILD IN STATE-SUPERVISED CARE;

20 (2) REQUEST, IN WRITING, THE EDUCATIONAL RECORDS OF THE CHILD  
21 IN STATE-SUPERVISED CARE FROM THE SENDING SCHOOL;

22 (3) PROVIDE A COPY OF THE REQUEST MADE UNDER ITEM (2) OF THIS  
23 SUBSECTION TO THE CHILD IN STATE-SUPERVISED CARE OR THE RESPONSIBLE  
24 ADULT ACTING ON BEHALF OF THE CHILD IN STATE-SUPERVISED CARE; AND

25 (4) INFORM THE CHILD IN STATE-SUPERVISED CARE, OR THE  
26 RESPONSIBLE ADULT ACTING ON BEHALF OF THE CHILD IN STATE-SUPERVISED  
27 CARE, OF THE RIGHTS CONFERRED BY THIS SUBTITLE.

28 (B) AFTER RECEIVING NOTICE UNDER SUBSECTION (A) OF THIS SECTION, A  
29 SENDING SCHOOL SHALL:

30 (1) IMMEDIATELY INFORM THE RECEIVING SCHOOL ORALLY OF THE  
31 GRADE LEVEL IN WHICH THE CHILD IN STATE-SUPERVISED CARE WAS LAST  
32 ENROLLED;

33 (2) IMMEDIATELY INFORM THE RECEIVING SCHOOL ORALLY OF THE  
34 STATUS OF THE CHILD IN STATE-SUPERVISED CARE UNDER THE FEDERAL  
35 REHABILITATION ACT OF 1973 CODIFIED AT 29 U.S.C. § 794 (SECTION 504) OR UNDER  
36 THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT CODIFIED AT 20  
37 U.S.C.A. 1400; AND

1 (3) WITHIN 5 3 SCHOOL DAYS FOLLOWING RECEIPT OF NOTICE FROM  
2 THE RECEIVING SCHOOL, SEND BY MAIL OR TRANSMIT ELECTRONICALLY TO THE  
3 RECEIVING SCHOOL A COPY OF:

4 (I) A COMPLETED STUDENT WITHDRAWAL OR TRANSFER RECORD  
5 OF THE CHILD IN STATE-SUPERVISED CARE;

6 (II) THE ACADEMIC RECORDS OF THE CHILD IN  
7 STATE-SUPERVISED CARE;

8 (III) THE IMMUNIZATION RECORDS OF THE CHILD IN  
9 STATE-SUPERVISED CARE; AND

10 (IV) IF APPLICABLE, THE MOST RECENT INDIVIDUALIZED  
11 EDUCATION PLAN OR SECTION 504 PLAN AND THE MOST RECENT ASSESSMENT OF  
12 THE CHILD IN STATE-SUPERVISED CARE.

13 (C) NOTWITHSTANDING SUBSECTION (B)(3) OF THIS SECTION, A PLACEMENT  
14 AGENCY OR SCHOOL EMPLOYEE MAY HAND CARRY THE DOCUMENTS LISTED IN  
15 SUBSECTION (B)(3) OF THIS SECTION FROM A SENDING SCHOOL TO A RECEIVING  
16 SCHOOL.

17 8-505.

18 (A) EACH COUNTY BOARD SHALL ESTABLISH A DISPUTE RESOLUTION  
19 PROCESS TO ADDRESS DISPUTES REGARDING THE REQUIREMENTS IMPOSED AND  
20 THE RIGHTS CONFERRED BY THIS SUBTITLE.

21 ~~(B) THE DISPUTE RESOLUTION PROCESS ESTABLISHED UNDER SUBSECTION~~  
22 ~~(A) OF THIS SECTION SHALL BE AS FOLLOWS:~~

23 ~~(1) UPON RECEIPT OF A WRITTEN COMPLAINT FROM A CHILD IN~~  
24 ~~STATE SUPERVISED CARE, A RESPONSIBLE ADULT ACTING ON BEHALF OF A CHILD~~  
25 ~~IN STATE SUPERVISED CARE, OR A PLACEMENT AGENCY, THE PRINCIPAL OF A~~  
26 ~~SCHOOL SHALL RESOLVE THE COMPLAINT WITHIN 5 SCHOOL DAYS;~~

27 ~~(2) THE PRINCIPAL SHALL PROVIDE THE PERSON WHO FILES THE~~  
28 ~~COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION WITH A WRITTEN~~  
29 ~~EXPLANATION OF THE PRINCIPAL'S RESOLUTION OF THE COMPLAINT INCLUDING~~  
30 ~~INFORMATION REGARDING THE PERSON'S RIGHT TO APPEAL;~~

31 ~~(3) IF A PRINCIPAL DOES NOT ISSUE A DECISION WITHIN 5 DAYS, OR THE~~  
32 ~~PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION IS DISSATISFIED WITH THE~~  
33 ~~DECISION OF THE PRINCIPAL, THAT PERSON MAY FILE A WRITTEN COMPLAINT WITH~~  
34 ~~THE COUNTY SUPERINTENDENT;~~

35 ~~(4) THE COUNTY SUPERINTENDENT SHALL RENDER A DECISION WITHIN~~  
36 ~~10 SCHOOL DAYS OF RECEIPT OF THE COMPLAINT;~~

1           ~~(5) IF THE COUNTY SUPERINTENDENT DOES NOT ISSUE A DECISION~~  
2 ~~WITHIN 10 SCHOOL DAYS, OR THE PERSON UNDER PARAGRAPH (1) OF THIS~~  
3 ~~SUBSECTION IS DISSATISFIED WITH THE DECISION OF THE COUNTY~~  
4 ~~SUPERINTENDENT, THAT PERSON MAY FILE A WRITTEN APPEAL TO THE COUNTY~~  
5 ~~BOARD WITHIN 30 DAYS;~~

6           ~~(6) A COUNTY BOARD SHALL RENDER A DECISION WITHIN 45 DAYS OF~~  
7 ~~RECEIPT OF THE APPEAL; AND~~

8           ~~(7) IF A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION IS~~  
9 ~~DISSATISFIED WITH THE DECISION OF THE COUNTY BOARD, THAT PERSON MAY FILE~~  
10 ~~A WRITTEN APPEAL TO THE STATE BOARD WITHIN 30 DAYS.~~

11       ~~(C)~~   (B)   DURING THE DISPUTE RESOLUTION PROCESS THE CHILD IN  
12 STATE-SUPERVISED CARE SHALL REMAIN ENROLLED IN THE RECEIVING SCHOOL.

13       ~~(D)~~   (C)   A CHILD IN STATE-SUPERVISED CARE WHO IS THE SUBJECT OF A  
14 DISPUTE SHALL BE PROVIDED APPROPRIATE ~~REMEDIAL~~ EDUCATIONAL SERVICES AS  
15 ~~NEEDED INCLUDING THE IMPLEMENTATION OF AN EXISTING INDIVIDUALIZED~~  
16 EDUCATION PROGRAM.

17       (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
18 SECTION ON OR BEFORE JANUARY 1, 2006.

19 8-506.

20       ~~FOLLOWING THE DISPUTE RESOLUTION PROCESS SET FORTH IN § 8-505 OF THIS~~  
21 ~~SUBTITLE, IF A DECISION OF A PRINCIPAL, A COUNTY SUPERINTENDENT, A COUNTY~~  
22 ~~BOARD, OR THE STATE BOARD FINDS THAT A RECEIVING SCHOOL OR A SENDING~~  
23 ~~SCHOOL WAS IN ERROR, THEN THAT SCHOOL SHALL REIMBURSE THE PLACEMENT~~  
24 ~~AGENCY, THE RESPONSIBLE ADULT ACTING ON BEHALF OF THE CHILD IN~~  
25 ~~STATE-SUPERVISED CARE, OR THE CHILD IN STATE-SUPERVISED CARE, FOR~~  
26 ~~DOCUMENTED EXPENSES MADE ON BEHALF OF THE EDUCATIONAL NEEDS OF THE~~  
27 ~~CHILD IN STATE-SUPERVISED CARE RELATING TO:~~

28           ~~(1) TRANSPORTATION;~~

29           ~~(2) TELEPHONE CALLS;~~

30           ~~(3) PHOTOCOPIES AND FAXES; AND~~

31           ~~(4) OTHER EXPENDITURES TOTALING \$50 OR LESS.~~

32 8-507.

33       (A) THE DEPARTMENT SHALL ENSURE THAT EACH COUNTY BOARD TAKES  
34 REASONABLE MEASURES TO IMPLEMENT THIS SECTION.

35       (B) A COUNTY BOARD SHALL INFORM:

1           (1)     PRINCIPALS, TEACHERS, AND OTHER SCHOOL PERSONNEL IN THE  
2 COUNTY OF THE REQUIREMENTS IMPOSED BY THIS SUBTITLE;

3           (2)     CHILDREN IN STATE-SUPERVISED CARE AND RESPONSIBLE ADULTS  
4 ACTING ON BEHALF OF CHILDREN IN STATE-SUPERVISED CARE OF THE RIGHTS  
5 CONFERRED BY THIS SUBTITLE; AND

6           (3)     OTHER INTERESTED PARTIES OF THE REQUIREMENTS IMPOSED AND  
7 THE RIGHTS CONFERRED BY THIS SUBTITLE.

8     (C)     THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
9 SECTION ON OR BEFORE JANUARY 1, 2006.

10    SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
11 be construed as diminishing the right of a birth parent of a child in State-supervised  
12 care to participate in the educational decision making for the child.

13    SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2005.